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REMARKS

Claims 1-32 were presented for examination. Claims 1-10 and 27-32 were rejected under 35 U.S.C. § 101. Claims 1-6, 19-21, and 27-32 were rejected under 35 U.S.C. § 112. Claims 1, 8, and 10 were rejected under 35 U.S.C. § 102(b) when compared to "Dance Dance Revolution Review" by Chien ("DDR: Chien"). Claim 1 was also rejected under 35 U.S.C. § 102(b) as anticipated by US Patent No. 6,352,432 to Tsai et al. ("Tsai"). Claim 24 was rejected under 35 U.S.C. § 102(b) as anticipated by "Dance Dance Revolution" by Smith ("Smith"). Claims 2-6, 19-23, and 27-32 were rejected under 35 U.S.C. § 103(a) as obvious in view of Smith. Claims 19-21, 23 and 27-32 were rejected under 35 U.S.C. § 103(a) as obvious in view of Smith in view of "DDRMAX Dance Dance Revolution" product page from www.ebgames.com ("DDRMAX"). Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Smith in view of "PopCap Games Site Review" ("PopCap Review"). Claims 11-15, 17-18 and 25-26 were rejected under 35 U.S.C. § 103(a) as obvious in view of Smith and further in view of "Frequency Review" by Ryan Davis ("Frequency Review"). Claims 7-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tsai in view US Patent No. 6,514,083 to Kumar et al. ("Kumar").

Claims 1, 2, 7, 11, 13-17, 19-21, 23-24, and 27-32 are hereby amended. Claims 3-6, 8-10, 18, 22, and 25-26 are hereby canceled. Applicant hereby adds new claims 33-89. Support for the claim amendments and the new claims may be found throughout the specification and at least at paragraph 55 of the application. Upon entry of the present amendment, Claims 1, 2, 7, 11-17, 19-21, 23-24 and 27-80 are presented for examination. Reconsideration of the claims is respectfully requested.

Attorney for Applicant thanks the Examiner for the courtesy extended during the telephonic interview of June 5, 2006.

Rejection of Claims 1-10 and 27-32 under 35 U.S.C. § 101

Claims 1-10 and 27-32 were rejected under 35 U.S.C. § 101. Claims 1-10 were rejected under 35 U.S.C. § 101 as failing to create a tangible result. Claims 3-6 and 8-10 are hereby cancelled, mooting the rejection with respect to those claims. Independent claim 1, as amended, now recites that the created video game is embodied as a computer-readable medium. Applicant respectfully submits that claim 1 now recites a tangible result and that the rejection of claim, and

of claims 2 and 7, which depend from claim 1, is overcome by this amendment and should be withdrawn.

Claims 27-32 were rejected as directed to non-statutory subject matter. Claims 27-32 depend from claim 1. Therefore, Applicant submits that claims 27-32 now recite a process that produces a "useful, concrete and tangible result" and that the rejection of those claims has been overcome and should be withdrawn.

Rejection of Claims 1-6, 19-21, and 27-32 under 35 U.S.C. § 112,

Claims 1-6, 19-21, and 27-32 were rejected under 35 U.S.C. § 112 as failing to particularly point out the claimed invention. Claims 3-6 are hereby canceled, mooting the rejection with respect to those claims. Independent claim 1, from which claims 2, 19-21 and 27-32 depend, has been amended to remove the language identified by the Examiner. Applicant respectfully submits that the claim amendments overcome this rejection and that it should be withdrawn.

Rejection of Claims 1, 8, and 10 as anticipated by DDR: Chien

Claims 1, 8, and 10 were rejected under 35 U.S.C. § 102(b) when compared to "Dance Dance Revolution Review" by Chien ("DDR: Chien"). Claims 8 and 10 are hereby canceled, mooting this rejection with respect to those claims. Independent claim 1, as amended, recites that the created video game is offered for sale in a specialty music store.

DDR: Chien is a product review of Dance Dance Revolution. The reference does not discuss how the game is offered for sale, other than to note the price at which it is offered for sale. Therefore DDR: Chien does not teach that a video game may be offered for sale in a specialty music store.

Nor does DDR: Chien suggest that a video game may be offered for sale in a specialty music store. The web site from which the review is printed is www.gaming-age.com, which is a games-oriented web site. This is consistent with the current model of selling games, i.e., as a "game" product through "game product" channels and not as a music product. Because DDR: Chien does not teach or suggest sale of a video game in a specialty music store, Applicant respectfully submits that the rejection of claim 1 as anticipated by DDR: Chien has been overcome and should be withdrawn.

Rejection of Claim 1 under 35 U.S.C. § 102(b) as anticipated by Tsai

Claim 1 was also rejected under 35 U.S.C. § 102(b) as anticipated by US Patent No. 6,352,432 to Tsai et al. ("Tsai"). Independent claim 1, as amended, recites that the created video game is offered for sale in a specialty music store.

Tsai describes a karaoke apparatus, but does not discuss how that apparatus is offered for sale. It is not surprising, therefore, that Tsai does not suggest, as recited by independent claim 1, that a video game may be offered for sale in a specialty music store. Because Tsai does not teach or suggest sale of a video game in a specialty music store, Applicant respectfully submits that the rejection of claim 1 as anticipated by Tsai has been overcome and should be withdrawn.

Rejection of Claim 24 as anticipated by Smith

Claim 24 was rejected under 35 U.S.C. § 102(b) as anticipated by "Dance Dance Revolution" by Smith ("Smith"). Independent claim 24, as amended, recites creating a computer-generated rendition of a musical artist at least partially responsible for performance of a musical composition.

The Smith reference does not teach or suggest creation of a game element that is computer-generated rendition of an artist associated with musical content from a recorded music product. The characters displayed by Dance Dance Revolution are merely game characters and are not computer-generated renditions of a musical artist. As Smith puts it, "the visuals are not the point of this game." Accordingly, Applicant respectfully submits that the rejection of claim 24 is overcome and should be withdrawn.

Rejection of Claims 2-6, 19-23, and 27-32 as obvious in view of Smith.

Claims 2-6, 19-23, and 27-32 were rejected under 35 U.S.C. § 103(a) as obvious in view of Smith. Claims 3-6 and 22 are hereby canceled, mooting this rejection with respect to those claims. Claims 2, 19-21, 23, and 27-32 each depend from independent claim 1, which recites that the video game is offered for sale in a specialty music store.

Like DDR: Chien, Smith is a product review of Dance Dance Revolution. The reference does not discuss how the game is offered for sale. Therefore Smith does not teach that a video game may be offered for sale in a specialty music store.

Nor does Smith suggest that a video game may be offered for sale in a specialty music store. The web site from which the review is printed is www.ign.com, which is a games-

oriented web site. This is consistent with the current model of selling games, i.e., as a "game" product through "game product" channels and not as a music product. Because Smith does not teach or suggest sale of a video game in a specialty music store, Applicant respectfully submits that the rejection of claim 1 as anticipated by Smith has been overcome and should be withdrawn.

Rejection of Claims 19-21, 23 and 27-32 as obvious in view of Smith and DDRMAX

Claims 19-21, 23 and 27-32 were rejected under 35 U.S.C. § 103(a) as obvious in view of Smith in view of "DDRMAX Dance Dance Revolution" product page from www.ebgames.com ("the DDRMAX reference"). Claims 19-21, 23, and 27-32 each depend from claim 1, which recites that the created video game is offered for sale in a specialty music store. As argued immediately above, Smith does not teach or suggest sale of a video game in a specialty music store.

The DDRMAX reference does not teach or suggest sale of a game in anything other than a traditional games-oriented outlet. The DDRMAX reference is product page from www.ebgames.com, a well-known retailer of games and game-related equipment both in their web site as well as their "bricks-and-mortar" stores. Because neither Smith nor the DDRMAX reference teach or suggest sale of a video game in a specialty music store, Applicant submits that the rejection of claims 19-21, 23, and 27-32 as obvious over those reference is improper and should be withdrawn.

Rejection of Claim 22 as obvious over Smith in view of PopCap Review

Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Smith in view of "PopCap Games Site Review" ("PopCap Review"). Claim 22 is hereby canceled, mooting this rejection.

Rejection of Claims 11-15, 17-18 and 25 as obvious in view of Smith and Frequency Review

Claims 11-15, 17-18 and 25-26 were rejected under 35 U.S.C.§ 103(a) as obvious in view of Smith and further in view of "Frequency Review" by Ryan Davis ("Frequency Review"). Claims 18 and 25-26 are hereby canceled, mooting this rejection with respect to those claims. Claims 11-15 and 17 depend from claim 1, which recites that the created video game is offered for sale in a specialty music store. As argued above, Smith does not teach or suggest sale of a video game in a specialty music store.

Nor does the Frequency Review suggest that a video game may be offered for sale in a specialty music store. The Frequency Review is a product review of Frequency that does not discuss how the game is offered for sale. Because the Frequency Review does not teach or suggest sale of a video game in a specialty music store, Applicant respectfully submits that the rejection of claims 11-15 and 17 as obvious in view of Smith and the Frequency Review has been overcome and should be withdrawn.

Rejection of Claims 7-9 as obvious over Tsai in view of Kumar

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tsai in view US Patent No. 6,514,083 to Kumar et al. ("Kumar"). Claims 8 and 9 are hereby canceled, mooting the rejection of those claims. Claim 7 depends from claim 1, which has been amended to recite that the video game is offered for sale in a specialty music store. As argued above, Tsai describes a karaoke apparatus, but does not discuss how that apparatus is offered for sale. Similarly, Kumar describes an interactive karaoke system, but does not discuss how games for such a system are offered for sale.

Because neither Tsai nor Kumar teach or suggest sale of a video game in a specialty music store, Applicant respectfully submits that the rejection of claim 7 as obvious over Tsai in view of Kumar is improper and should be withdrawn.

Patentability of new Claims 33-52

Applicant hereby adds new independent claim 33 and new claims 34-52 that depend from claim 33. Independent claim 33 recites that the video game is offered for sale in the music department of a general store. As argued above, none of the prior art of record teaches or suggests how a game is offered for sale. Applicant respectfully submits, therefore, that claims 33-52 define patentably over the prior art of record.

Patentability of new Claims 53-70

Applicant hereby adds new independent claim 53 and new claims 54-70 that depend from claim 53. Independent claim 53 recites that the video game is offered for sale from an online music store. As argued above, none of the prior art of record teaches or suggests how a game is offered for sale. Applicant respectfully submits, therefore, that claims 53-70 define patentably over the prior art of record.

Patentability of new claims 71-80

Applicant hereby adds new independent claim 71 and new claims 72-80 that depend from independent claim 24, the rejection of which has been addressed above.

CONCLUSION

In view of the above remarks and amendments, Applicant believes the pending application is in condition for allowance.

Please charge any additional necessary fees or credit any overpayments to Deposit Account No. 03-1721.

Respectfully submitted,
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